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Dozier Internet Law, P.C.

May 6, 2010

VIA ECF TRANSMISSION

The Honorable Thomas C. Platt
United States District Court
Eastern District of New York
Long Island Federal Courthouse
824 Federal Plaza
Central Islip, NY 11722

Re: *Therion, Inc. v. Media By Design, Inc., et al.*
Civil Action No. 08-5256-TCP-ETB
Bluehost, Inc. – File No.: 0820-001

Dear Judge Platt:

We are counsel for Defendant Bluehost, Inc. in the above-referenced action. We write in response to Plaintiff's letter of May 5, 2010.

The entire purpose it seems of the Court's Order was to have the issues for Summary Judgment briefed, and subsequently argued in a quality way, robustly addressing the actual legal issues involved in this case. The Plaintiff did not file its renewal of its Motion for Summary Judgment in the time specified by the Court, nor has the Plaintiff renewed its Motion for Summary Judgment. I have offered to allow the Plaintiff to renew its Motion for Summary Judgment at this time, subject to the Court's approval, and delay the hearing presently set for June 10, 2010. Of course, the renewal would permit Defendant Bluehost, Inc. to file a Response which would seem appropriate since many of the legal issues would be the same in both Motions, but as it stands today, the arguments in the filings are positioned in a significantly different way from each other. This will lead to nothing but difficulties and confusion.

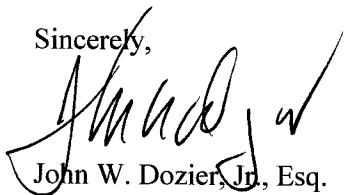
Plaintiff is attempting to avoid Defendant Bluehost, Inc. from filing a meaningful, germane, and robust Response to its Motion for Summary Judgment. Defendant Bluehost, Inc. is obviously prepared to proceed in whatever manner the Court deems proper, but it does seem ill-advised to entertain a Motion for Summary Judgment in which the issues argued on the Motion have not been briefed in a quality way with respect to that Motion. If the Court

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decides not to permit the Plaintiff's late filing of its renewal, then the parties are still positioned to fully argue Defendant Bluehost, Inc.'s Motion for Summary Judgment.

Defendant Bluehost, Inc.'s counsel has offered to permit the Plaintiff to renew its Motion for Summary Judgment. Plaintiff's counsel has simply refused to accept the offer because it does not want Defendant Bluehost, Inc. filing a Response.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Dozier, Jr." with a small checkmark at the end.

John W. Dozier, Jr., Esq.

JWDjr/lwc

cc: Gregg A. Paradise, Esq. (via email)
Elise Schwarz, Esq. (via email)